
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

THE SCO GROUP, INC., a Delaware
corporation,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant.

**ORDER FOR BRIEFING ON
RULE 54(b) CERTIFICATION**

Case No. 2:03-CV-00294-DN

District Judge David Nuffer

After the recent orders¹ granting International Business Machines Corporation's ("IBM") [782] Motion for Partial Summary Judgment and [783] Motion for Partial Summary Judgment, all of The SCO Group, Inc.'s ("SCO") claims against IBM are dismissed.² Only IBM's counterclaims against SCO remain pending. Three motions for partial summary judgment directed at all but one of IBM's counterclaims are currently under advisement.³ The parties informed the court previously that SCO's only assets are the claims in this case, which are now gone.

Given the case's procedural posture, IT IS HEREBY ORDERED that the parties are directed to meet and confer regarding whether it is proper at this time for the Court to certify the judgments of dismissal on SCO's claims against IBM as final under Fed R. Civ. P. 54(b), thereby

¹ Order Granting IBM's [782] Motion for Partial Summary Judgment, [docket no. 1159](#), filed on Feb. 5, 2016; Order Granting IBM's [783] Motion for Partial Summary Judgment, [docket no. 1160](#), filed on Feb. 8, 2016.

² Order Granting IBM's [782] Motion for Partial Summary Judgment, [docket no. 1159](#), filed on Feb. 5, 2016; Order Granting IBM's [783] Motion for Partial Summary Judgment, [docket no. 1160](#), filed on Feb. 8, 2016; Partial Judgment Dismissing SCO Claims, [docket no. 1123](#), filed July 10, 2013.

³ SCO's Motion for Summary Judgment on IBM's Second, Third, Fourth and Fifth Counterclaims, [docket no. 776](#), filed Sept. 25, 2006; SCO's Motion for Summary Judgment on IBM's Sixth, Seventh and Eighth Counterclaims, [docket no. 777](#), filed Sept. 25, 2006; IBM's Motion for Summary Judgment on its Claim for Copyright Infringement (IBM's Eighth Counterclaim), [docket no. 784](#), filed Sept. 25, 2006.

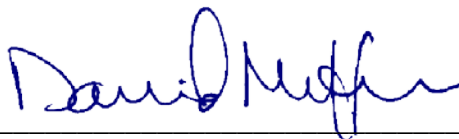
foregoing determination on the unresolved motions for partial summary judgment directed at IBM's counterclaims pending any appeal relating to the dismissal of SCO's claims.

If the parties agree that Rule 54(b) certification is appropriate, they shall file a motion, including a proposed certification order, on or before Friday, February 26, 2016.

If the parties do not agree that Rule 54(b) certification is appropriate, any party may file a motion limited to ten (10) pages of argument, including a proposed certification order, on or before Friday, February 26, 2016. A response brief, limited to five (5) pages of argument, must be filed on or before Friday, March 11, 2016. Reply briefing on the Rule 54(b) certification issue is unnecessary and will not be permitted.

Signed February 8, 2016.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

District Judge David Nuffer